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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,468	10/29/2001	Patrick A. Aliffi	E0019/258247	2136

7590

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EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,468	Applicant(s) ALIFFI ET AL.	
	Examiner Salvatore Cangialosi	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 53-102 is/are pending in the application.
- 4a) Of the above claim(s) 53-102 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/14/05, 9/2/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The restriction requirement dated 11/4/05 is made final.

Claims to the non-elected inventions should be deleted.

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office

action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1-31 are rejected under 35 U.S.C. § 103 as being unpatentable over Fletcher et al (6112190, Cited by applicant).

Regarding claim 1, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose a method for exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same substantially as claimed. The differences between the above and the claimed invention is the use of explicit nomenclature. It is noted that host is believed that most financial databases are accessible to members (i.e. anyone who will pay a fee). It would have been obvious to the person

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having ordinary skill in this art to provide a similar arrangement for Fletcher et al because the financial data exchanges shown in the prior art are conventional functional equivalents of the claimed limitations and are available through credit reporting entities. Regarding identifier limitation of claim 2, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same including a guarantor that are the functional equivalent of the claimed limitations. Regarding number limitations of claim 3, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same including a file number that is a functional equivalent of the claimed limitations. Regarding file limitations of claim 4, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same including a statistical file that is a functional equivalent of the claimed limitations. Regarding the file limitations claim 5, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a

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business (input data file) storing same including a loan commitment that is a functional equivalent of the claimed limitations because it is a form of reciprocity. Regarding comparison limitation of claim 6, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same including a comparison that are the functional equivalent of the claimed limitations. Regarding file editing limitations of claims 7-10, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same including a file editing that is a functional equivalent of the claimed limitations. Regarding file validating limitations of claims 11-16, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same including a file verification and validation which is standard practice in loan application that is a functional equivalent of the claimed limitations. Regarding file updating limitations of claims 17-25, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a

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business (input data file) storing same including a file modification and updating that is a functional equivalent of the claimed limitations. Regarding the association limitations claim 14, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same including a file modification to include any business changes that is a functional equivalent of the claimed limitations. Regarding claim 27, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose a method for exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same substantially as claimed. The differences between the above and the claimed invention is the use of explicit nomenclature. It is noted that host is believed that most financial databases are accessible to members (i.e. anyone who will pay a fee). It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Fletcher et al because the financial data exchanges shown in the prior art are conventional functional equivalents of the claimed limitations and are available through credit reporting entities. Regarding identifier limitation of claim 28, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including

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receiving data from a business (input data file) storing same including a guarantor that are the functional equivalent of the claimed limitations. Regarding file limitations of claim 29, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same including a statistical file that is a functional equivalent of the claimed limitations. Regarding file updating limitations of claim 30, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same including a file modification and updating that is a functional equivalent of the claimed limitations. Regarding file association limitations of claim 31, Fletcher et al (See Figs. 4, 36, Col. 2, lines 5-55, Col. 3, lines 20-65, Col. 4, lines 1-35) disclose exchanging financial data for a commercial concern including receiving data from a business (input data file) storing same including a trade data that is a functional equivalent of the claimed limitations because it could obviously be available to any of the fee paying user of the credit services or the related loan companies, e.g. Citibank insurance, factoring, etc..

Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the

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claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

4. 35 USC 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".

5. Claims 1-31 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

The claims do not present a concrete, tangible or useful result.

In the present case, claims 1 and 27 only recite an abstract idea. The recited steps of associating a file with a business entity identifier does not produce a real world result since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute an idea of how to employ an association. In addition the claims are so broad as to present an issue of pre-emption of the recited

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business practice since no electronic or digital means are employed.

In the present case, the claim limitations are analogous to non-functional descriptive data (See MPEP 2106).

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571) 272-6712**.

Any response to this action should be mailed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to (571)273-8300

Hand delivered responses should be brought to

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401 Dulany Street
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Any inquiry of a general nature or relating to the status of


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this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EXAMINER
PRIMARY EXAMINER
ART UNIT 3621